

1-800-222-2222



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463



RECEIVED

2017 NOV 27 PM 12:31

**SENSITIVE**

November 27, 2017

MEMORANDUM

TO: The Commission

THROUGH: Alec Palmer *AP*  
Staff Director

FROM: Patricia C. Orrock *PCO*  
Chief Compliance Officer

Debbie Chacona *DC*  
Assistant Staff Director  
Reports Analysis Division

BY: Kristin D. Roser/Ben Holly *KE BH*  
Reports Analysis Division  
Compliance Branch

SUBJECT: Reason To Believe Recommendation – 2017 October Quarterly Report for the  
Administrative Fine Program

Attached is a list of political committees and their treasurers who failed to file the 2017 October Quarterly Report in accordance with 52 U.S.C. § 30104(a). The October Quarterly Report was due on October 15, 2017.

The committees listed in the attached RTB Circulation Report either failed to file the report or filed the report more than thirty (30) days after the due date (considered a late filed report). In accordance with the schedule of civil money penalties for reports at 11 C.F.R. 111.43, these committees should be assessed the civil money penalties highlighted on the attached circulation report.

**Recommendation**

1. Find reason to believe that the political committees and their treasurers, in their official capacity, listed on the RTB Circulation Report violated 52 U.S.C. § 30104(a) and make a preliminary determination that the civil money penalties would be the amounts indicated on the RTB Circulation Report.
2. Send the appropriate letters.

11/27/2017 11:01 AM

Federal Election Commission  
Reason to Believe Circulation Report  
2017 OCTOBER QUARTERLY Not Election Sensitive 10/15/2017 H\_S\_P

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
3350	C00440909	BYRNE FOR CONGRESS	LESLIE L. BYRNE	BRUCE NEILSON	\$165,411	0		Not Filed	\$82,706 (est)	\$4,862

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 )  
Reason To Believe Recommendation - 2017 )  
October Quarterly Report for the )  
Administrative Fine Program: )  
BYRNE FOR CONGRESS, and BRUCE ) AF# 3350  
NEILSON as treasurer; )

CERTIFICATION


I, Dayna C. Brown, Secretary and Clerk of the Federal Election Commission,  
do hereby certify that on November 30, 2017 the Commission took the following  
actions on the Reason To Believe Recommendation - 2017 October Quarterly Report  
for the Administrative Fine Program as recommended in the Reports Analysis  
Division's Memorandum dated November 27, 2017, on the following committees:

AF#3350 Decided by a vote of 5-0 to: (1) find reason to believe that BYRNE FOR  
CONGRESS, and BRUCE NEILSON, in his official capacity as treasurer, violated  
52 U.S.C. § 30104(a) and make a preliminary determination that the civil money penalty  
would be the amount indicated on the report; (2) send the appropriate letter.  
Commissioners Goodman, Hunter, Petersen, Walther, and Weintraub voted affirmatively  
for the decision.

**—100% Satisfaction Guarantee—**

**Attest:**

November 30, 2017  
Date

  
Dayna C. Brown  
Secretary and Clerk of the Commission



**FEDERAL ELECTION COMMISSION**  
WASHINGTON, D.C. 20463

November 30, 2017

Bruce Neilson, in official capacity as Treasurer  
Byrne for Congress  
5102 Richardson Drive  
Fairfax, VA 22032

C00440909  
AF#: 3350

Dear Mr. Neilson:

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file an October Quarterly Report of Receipts and Disbursements every calendar year. This report, covering the period July 1, 2017 through September 30, 2017, shall be filed no later than October 15, 2017. 52 U.S.C. § 30104(a). Because records at the Federal Election Commission ("FEC") indicate that this report was not filed within thirty (30) days of the due date, the report is considered not filed for the purpose of calculating the civil money penalty. You should file this report if you have not already done so.

The Act permits the FEC to impose civil money penalties for violations of the reporting requirements of 52 U.S.C. § 30104(a). 52 U.S.C. § 30109(a)(4). On November 30, 2017, the FEC found that there is reason to believe ("RTB") that Byrne for Congress and you, in your official capacity as treasurer, violated 52 U.S.C. § 30104(a) by failing to file timely this report on or before October 15, 2017. Based on the FEC's schedules of civil money penalties at 11 CFR § 111.43, the amount of your civil money penalty calculated at the RTB stage is \$4,862. Please see the attached copy of the Commission's administrative fine regulations at 11 CFR §§ 111.30-111.55. Attachment 1. The Commission's website contains further information about how the administrative fine program works and how the fines are calculated. See <http://www.fec.gov/af/af.shtml>. 11 CFR § 111.34. Your payment of \$4,862 is due within forty (40) days of the finding, or by January 9, 2018, and is based on these factors:

Sensitivity of Report: Not Election Sensitive  
Level of Activity: \$82,706  
Number of Days Late: Not Filed  
Number of Previous Civil Money Penalties Assessed: 0

At this juncture, the following courses of action are available to you:

# **1. If You Choose to Challenge the RTB Finding and/or Civil Money Penalty**

If you should decide to challenge the RTB finding and/or calculated civil money penalty, you must submit a written response to the FEC's Office of Administrative Review, 999 E Street, NW, Washington, DC 20463. Your response must include the AF# (found at the top of page 1 under your committee's identification number) and be received within forty (40) days of the Commission's RTB finding, or January 9, 2018. 11 CFR § 111.35(a). Your written response must include the reason(s) why you are challenging the RTB finding and/or calculated civil money penalty, and must include the factual basis supporting the reason(s) and supporting documentation. The FEC strongly encourages that documents be submitted in the form of affidavits or declarations. 11 CFR § 111.36(c).

The FEC will only consider challenges that are based on at least one of three grounds: (1) a factual error in the RTB finding; (2) miscalculation of the calculated civil money penalty by the FEC; or (3) your demonstrated use of best efforts to file in a timely manner when prevented from doing so by reasonably unforeseen circumstances that were beyond your control. 11 CFR § 111.35(b). In order for a challenge to be considered on the basis of best efforts, you must have filed the required report no later than 24 hours after the end of these reasonably unforeseen circumstances. *Id.* Examples of circumstances that will be considered reasonably unforeseen and beyond your control include, but are not limited to: (1) a failure of Commission computers or Commission-provided software despite your seeking technical assistance from Commission personnel and resources; (2) a widespread disruption of information transmissions over the Internet that is not caused by a failure of the Commission's or your computer systems or Internet service provider; and (3) severe weather or other disaster-related incident. 11 CFR § 111.35(c). Examples of circumstances that will not be considered reasonably unforeseen and beyond your control include, but are not limited to: (1) negligence; (2) delays caused by vendors or contractors; (3) treasurer and staff illness, inexperience or unavailability; (4) committee computer, software, or Internet service provider failures; (5) failure to know filing dates; and (6) failure to use filing software properly. 11 CFR § 111.35(d).

The "failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver" of your right to present such argument in a petition to the U.S. District Court under 52 U.S.C. § 30109. 11 CFR § 111.38.

If you intend to be represented by counsel, please advise the Office of Administrative Review. You should provide, in writing, the name, address and telephone number of your counsel and authorize counsel to receive notifications and communications relating to this challenge and imposition of the calculated civil money penalty.

## **2. If You Choose Not to Pay the Civil Money Penalty and Not to Submit a Challenge**

If you do not pay the calculated civil money penalty and do not submit a written response, the FEC will assume that the preceding factual allegations are true and make a final determination that Byrne for Congress and you, in your official capacity as treasurer, violated 52 U.S.C. § 30104(a) and assess a civil money penalty.

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA"), as amended by the Debt Collection

Improvement Act of 1996, 31 U.S.C. § 3701 *et seq.* The FEC may take any and all appropriate action authorized and required by the DCA, as amended, including transfer to the U.S. Department of the Treasury for collection. 11 CFR § 111.51(a)(2).

**3. If You Choose to Pay the Civil Money Penalty**

If you should decide to pay the calculated civil money penalty, follow the payment instructions on page 4 of this letter. Upon receipt of your payment, the FEC will send you a final determination letter.

**NOTICE REGARDING PARTIAL PAYMENTS AND SETTLEMENT OFFERS**

**4. Partial Payments**

If you make a payment in an amount less than the calculated civil money penalty, the amount of your partial payment will be credited towards the full civil money penalty that the Commission assesses upon making a final determination.

**5. Settlement Offers**

Any offer to settle or compromise a debt owed to the Commission, including making a payment in an amount less than the calculated civil money penalty assessed or any restrictive endorsements contained on your check or money order or proposed in correspondence transmitted with your check or money order, will be rejected. Acceptance and deposit or cashing of such a restricted payment does not constitute acceptance of the settlement offer. Payments containing restrictive endorsements will be deposited and treated as a partial payment towards the civil money penalty that the Commission assesses upon making a final determination. All unpaid civil money penalty amounts remaining will be subject to the debt collection procedures set forth in Section 2, above.

This matter was generated based on information ascertained by the FEC in the normal course of carrying out its supervisory responsibilities. 52 U.S.C. § 30109(a)(2). Unless you notify the FEC in writing that you wish the matter to be made public, it will remain confidential in accordance with 52 U.S.C. § 30109(a)(4)(B) and 30109(a)(12)(A) until it is placed on the public record at the conclusion of this matter in accordance with 11 CFR § 111.42.

As noted earlier, you may obtain additional information on the FEC's administrative fine program, including the final regulations, on the FEC's website at <http://www.fec.gov/af/af.shtml>. If you have questions regarding the payment of the calculated civil money penalty, please contact Ben Holly in the Reports Analysis Division at our toll free number (800) 424-9530 (at the prompt press 5) or (202) 694-1130. If you have questions regarding the submission of a challenge, please contact the Office of Administrative Review at our toll free number (800) 424-9530 (press 0, then ext. 1660) or (202) 694-1660.

On behalf of the Commission,



Steven T. Walther  
Chair



---

**ADMINISTRATIVE FINE REMITTANCE & PAYMENT INSTRUCTIONS**

In accordance with the schedule of penalties at 11 CFR § 111.43, the amount of your civil money penalty calculated at RTB is \$4,862 for the 2017 October Quarterly Report.

You may remit payment by ACH withdrawal from your bank account, or by debit or credit card through Pay.gov, the federal government's secure portal for online collections. Visit [www.fec.gov/af/pay.shtml](http://www.fec.gov/af/pay.shtml) to be directed to Pay.gov's Administrative Fine Program Payment form.

This penalty may also be paid by check or money order, made payable to the Federal Election Commission. It should be sent by mail to:

Federal Election Commission  
P.O. Box 979058  
St. Louis, MO 63197-9000

If you choose to send your payment by courier or overnight delivery, please send to:

U.S. Bank - Government Lockbox  
FEC #979058  
1005 Convention Plaza  
Attn: Government Lockbox, SL-MO-C2GL  
St. Louis, MO 63101

**PAYMENTS BY PERSONAL CHECK**

Personal checks will be converted into electronic funds transfers (EFTS). Your account will be electronically debited for the amount on your check, usually within 24 hours, and the debit will appear on your regular statement. We will destroy your original check and keep a copy of it. In case the EFT cannot be processed for technical reasons, you authorize us to process the copy in lieu of the original check. Should the EFT not be completed because of insufficient funds, we may try to make the transfer twice.

**PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT**

---

FOR: Byrne for Congress

FEC ID#: C00440909

AF#: 3350

PAYMENT DUE DATE: January 9, 2018

PAYMENT AMOUNT DUE: \$4,862

RECEIVED  
FEC MAIL CENTER  
2018 JAN -9 PM 12:30

Byrne for Congress  
C00440909  
5102 Richardson Drive  
Fairfax VA 22032  
January 8, 2017

Office of Administrative Review  
Federal Election Commission  
999 E Street NW  
Washington DC 20463

AF# 3350

To whom it may concern:

Please accept the attached Affidavit as a challenge to the RTB finding of the Federal Election Commission that I failed to file a report for the Byrne for Congress campaign covering the third quarter and due according to the FEC to be filed by October 15, 2017.

The challenge is based on the factual error of the Commission's Reason To Believe finding, because no third quarter report ending September 30, 2017 was due. The June 30 quarterly report was the Final Report of the Committee.

Sincerely

*Bruce H Neilson*  
Bruce H Neilson, Treasurer  
Byrne for Congress

2 Encl.

Encl 1

## AFFIDAVIT

The within-named Affiant, Bruce Neilson, who resides \_\_\_\_\_, Fairfax, County of Fairfax, State of Virginia, personally came before me, the undersigned Notary Public, to make this his statement, testimony under oath or affirmation, in good faith, and under penalty of perjury, of sincere personal belief and knowledge, that the following matters, facts, and things set forth are true and correct to the best of his knowledge and belief:

The Federal Elections Commission notified me in a letter dated November 30, 2017, that they had "reason to believe" (RTB) that a report of the Byrne for Congress Committee CC00440909, for the third quarter of 2017, due October 15, 2017, for the period July 1, 2017 to September 30, 2017, was not filed in violation of law and regulation. AF # 3350.

This appeal is submitted to clarify that the factual basis for the RTB finding was in error.

The report filed timely by July 15, 2017, was the Final Report of the Committee. This report was filed in error as a Quarterly Report ending June 30, 2017. The ending balance of the report was zero. Memo text in the report disclosed that a zero ending balance confirmed that the Committee had no remaining cash and no other assets.

When made aware that I failed to indicate this as a Final Report in my Second Quarter filing, I amended the quarterly report on 12/20/2017, to designate it as the Final Report. Attached as Exhibit 1 is the Electronic Filing Results report showing the December 20 filing. The Committee's existence ended before being subject to any reporting after June 30, 2017. Therefore, no third quarter report is due.

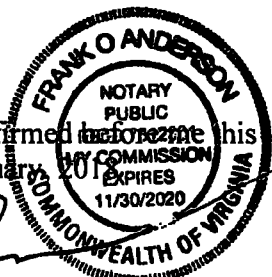
You will also note that all required reports of this Committee were filed timely while I was the Treasurer responsible for those filings.

Should the Commission continue to find that a report was due and not filed, then any fine imposed should be calculated on the basis that no funds and no assets existed in the possession of the Committee beginning July 1, the first day of the reporting period.

*Bruce Neilson*

Dated this 8<sup>th</sup> day of January, 2018  
County of Fairfax, Commonwealth of Virginia

Signed and affirmed before me this  
8<sup>th</sup> day of January, 2018



Notary Public for the Commonwealth of Virginia  
Frank Anderson

My Commission expires 11/30/2020

AF #3350

Exhibit 1

Encl 2

noreply-efiling@fec.gov

12/20/2017 1:17 PM

**FEC Electronic Filing Results**

To bruce.neilson@cox.net

**DISCLOSE -- FEC Financial Disclosure Filing Acknowledgement**

This is to acknowledge the receipt and acceptance of your electronic filing via the DISCLOSE protocol.

Your filing was received and accepted by our system at 12/20/2-20' - 13:16:43, and was assigned the Filing ID of: FEC-1194820

Please make a note of this, as it will be necessary to refer to this information in the future.

Thank you for using DISCLOSE.

Do not reply to this notice. It is sent from an unattended account that cannot receive email.

For your reference, the output of the validation check was as follows:

FEC File Validator Version 8.2

For technical support, please contact: ELECTRONIC FILING OFFICE, FEC  
Direct dial: 202-694-1642, Toll free: 1-800-424-9530 x 1642

**== Identification Section ==**

Committee ID: C00440909  
Committee Name: BYRNE FOR CONGRESS  
Filing Type: F3A  
From/Through: 20170401 - 20170630

Software/Ver#: FECfile / Ver# 8.2.0.0(f31)

**== Results Section ==**

-----> FEC data file PASSED validation! <-----<<<

**== Summary Page Totals Section ==**

Cover/Summary Page Totals for Form: F3

Line No. Column A Column B

6A 0.00 0.00  
6B 0.00 0.00  
6C 0.00 0.00

7A 165,411.02 165,411.02  
7B 0.00 0.00  
7C 165,411.02 165,411.02  
8 0.00  
9 0.00  
10 0.00  
11Ai 0.00  
11Aii 0.00  
11Aiii 0.00 0.00  
11B 0.00 0.00  
11C 0.00 0.00  
11D 0.00 0.00  
11E 0.00 0.00  
12 0.00 0.00  
13A 0.00 0.00  
13B 0.00 0.00  
13C 0.00 0.00  
14 0.00 0.00  
15 0.00 0.00  
16 0.00 0.00  
17 165,411.02 165,411.02  
18 0.00 0.00  
19A 0.00 0.00  
19B 0.00 0.00  
19C 0.00 0.00  
20A 0.00 0.00  
20B 0.00 0.00  
20C 0.00 0.00  
20D 0.00 0.00  
21 0.00 0.00  
22 165,411.02 165,411.02  
23 165,411.02  
24 0.00  
25 165,411.02  
26 165,411.02  
27 0.00  
MD5 checksum:  
694c5648a8248f57949339b3326fc46c



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

March 7, 2018

**REVIEWING OFFICER RECOMMENDATION  
OFFICE OF ADMINISTRATIVE REVIEW ("OAR")**

AF# 3350 – Byrne for Congress and Bruce Neilson, in his official capacity as Treasurer (C00440909)

**Summary of Recommendation**

Make a final determination that the respondents violated 52 U.S.C. § 30104(a) and assess no civil money penalty.

**Reason-to-Believe Background**

The 2017 October Quarterly Report was due on October 15, 2017. The respondents filed the report on January 30, 2018, 107 days late. The report is not election sensitive and was not filed within 30 days of the due date; therefore, the report is considered not filed. 11 C.F.R. §§ 111.43(d)(1) and (e)(1).

On November 30, 2017, the Commission found reason to believe ("RTB") that the respondents violated 52 U.S.C. § 30104(a) for failing to timely file the 2017 October Quarterly Report and made a preliminary determination that the civil money penalty was \$4,862 based on the schedule of penalties at 11 C.F.R. § 111.43. A letter was mailed to the respondents' address of record from the Reports Analysis Division ("RAD") on November 30, 2017 to notify them of the Commission's RTB finding and civil money penalty.

**Legal Requirements**

The Federal Election Campaign Act ("Act") states that the treasurer of a principal campaign committee shall file a report for the quarter ending September 30 no later than October 15. 52 U.S.C. § 30104(a) and 11 C.F.R. § 104.5(a)(1)(i). Reports filed electronically must be received and validated at or before 11:59 pm, Eastern Standard/Daylight Time on October 15 for the October Quarterly Report to be timely filed. 11 C.F.R. §§ 100.19(c) and 104.5(e). The treasurer shall be personally responsible for the timely filing of reports. 11 C.F.R. § 104.14(d).

## Summary of Respondents' Challenge

On January 9, 2018, the Commission received the written response ("challenge") from the Treasurer stating that the Committee was not required to file the 2017 October Quarterly Report. He states: "The Committee's existence ended before being subject to any reporting after June 30, 2017. Therefore, no third quarter report is due."

The Treasurer further explains that he intended for the 2017 July Quarterly Report to be the Committee's final report, which disclosed no ending cash or assets. However, he inadvertently failed to designate the filing as a Termination Report. On December 20, 2017, the Committee amended the 2017 July Quarterly Report to designate it as a Termination Report.

The Treasurer states that if the Commission determines the Committee was required to file the 2017 October Quarterly Report, the penalty "should be calculated on the basis that no funds and no assets existed in the possession of the Committee beginning July 1, the first day of the reporting period."

## Analysis

A committee's filing obligation ends only when the committee files a termination report, and the Commission notifies them in writing that their termination report has been accepted. 11 C.F.R. § 102.3; *Campaign Guide for Congressional Candidates and Committees*, 79. At the time of the RTB finding, the Committee had not yet filed a termination report with the Commission.<sup>1</sup> Therefore, the respondents were required to timely file the 2017 October Quarterly Report.

The Treasurer requests that the penalty be recalculated considering the Committee had no funds or assets during the 2017 October Quarterly reporting period. While a committee's intent to terminate and amount of cash on hand are not considered, the Reviewing Officer agrees that the penalty should be recalculated. At the time of the RTB finding, the Commission used an estimated level of activity (\$82,706) to calculate the penalty because the 2017 October Quarterly Report had not yet been filed. 11 C.F.R. § 111.43(d)(2)(i). The Committee filed the report on January 30, 2018, 107 days late. The report discloses \$0 in total receipts and \$0 in total disbursements. Therefore, the actual level of activity of the 2017 October Quarterly Report is \$0. Using the schedule of penalties at 11 C.F.R. § 111.43(a), no civil money penalty is assessed for a level of activity less than \$1. Therefore, the Reviewing Officer recommends that the Commission make a final determination that the respondents violated 52 U.S.C. § 30104(a) and assess no civil money penalty.

<sup>1</sup> On December 20, 2017, the Committee amended the 2017 July Quarterly Report to designate it as a termination report.

### **OAR Recommendations**

1. Adopt the Reviewing Officer recommendation for AF# 3350 involving Byrne for Congress and Bruce Neilson, in his official capacity as Treasurer, in making the final determination;
2. Make a final determination in AF# 3350 that Byrne for Congress and Bruce Neilson, in his official capacity as Treasurer, violated 52 U.S.C. § 30104(a) and assess no civil money penalty (reduced from the RTB civil money penalty of \$4,862); and
3. Send the appropriate letter.

### **Attachments**

Attachment 1 –

Attachment 2 – Page 79 of *Campaign Guide for Congressional Candidates and Committees*

Attachment 3 – Declaration from RAD

Attachment 4 – Declaration from OAR



## CHAPTER 12

# FILING REPORTS

### I. WHO REPORTS

#### Principal Campaign Committee

The principal campaign committee must file periodic reports on financial activity until the committee has retired any debts,<sup>1</sup> filed a termination report and received notification from the FEC that the committee's termination report has been accepted. 102.3(b) and 104.1(a). See Chapter 14, Section 1.

#### Treasurer's Duties

A committee treasurer is responsible for signing and filing timely, complete and accurate reports and statements. 104.14(d). See Chapter 2, Section 3 for a complete summary of the treasurer's duties. Treasurers are considered in compliance with the *Federal Election Campaign Act* (the Act) when they have made their "best efforts" to obtain, maintain and report required information. (See Section 3, "When to Report," later in this chapter and Section 5, "Treasurer's Best Efforts," in Chapter 11.) If a treasurer is unable to obtain information after making his or her best efforts, that fact should be noted on the report where the information is incomplete.

When filing electronically, a committee treasurer must verify that all electronically filed documents have been examined by the treasurer and (to the best of that person's knowledge) are accurate and complete. In order to verify electronically filed documents, the treasurer must either:

- Obtain a personal password (which serves as the treasurer's electronic signature) from the FEC (available through the electronic filing office at 202/694-1307 or online at [www.fec.gov/electfil/passwords.shtml](http://www.fec.gov/electfil/passwords.shtml)); or
- File on a compact disc (CD) and include, as a separate file, a digitized copy of a signed cer-

tification, or a signed certification on paper along with the CD. (For specific instructions on how to file electronically using a CD, see the Electronic Filing section of the FEC website at <http://go.usa.gov/8hUT>.)

104.18(g).

For more information on electronic filing, see Section 5 in this chapter.

#### Other Authorized Committees

Only principal campaign committees file reports and statements with the appropriate federal offices. Other authorized committees of the candidate file with the principal campaign committee, as explained in Section 2, below.

#### Candidate Does Not Report Campaign Activity

Apart from filing a Statement of Candidacy (FEC Form 2), a candidate has no personal reporting obligation under the Act. If a candidate receives contributions, obtains loans for campaign activity or makes disbursements, he or she is acting as a campaign agent. The transactions are reported by the principal campaign committee. 101.2 and 102.7(d).

#### Candidate Must File Personal Financial Reports

Under the *Ethics in Government Act*, candidates for federal office must file personal financial reports. House candidates file such reports with the Clerk of the House of Representatives and Senate candidates file those reports with the Secretary of the Senate. Candidates for President and Vice President (except the incumbent President and Vice President) file their personal financial disclosure forms with the FEC, and the Commission is the agency responsible for public disclosure of those forms. However, detailed review and approval of those forms is the responsibility of the Office of Government Ethics. See Appendix G.

<sup>1</sup> Neither the committee seeking to terminate nor any other authorized committee of the same candidate may have any outstanding debts or obligations. 102.3(b).

### DECLARATION OF KRISTIN D. ROSER

1. I am the Chief of the Compliance Branch for the Reports Analysis Division of the Federal Election Commission ("Commission"). In my capacity as Chief of the Compliance Branch, I oversee the initial processing of the Administrative Fine Program. I make this declaration based on my personal knowledge and, if called upon as a witness, could and would testify competently to the following matters.
2. It is the practice of the Reports Analysis Division to document all calls to or from committees regarding a letter they receive or any questions relating to the FECFile software or administrative fine regulations, including due dates of reports and filing requirements.
3. I hereby certify that documents identified herein are true and accurate copies of the following sent by the Commission to Byrne for Congress:
  - A) Termination Denial Letter, dated January 10, 2018, referencing the Termination Report covering April 1, 2017 through June 30, 2017 (sent via regular mail to the address of record)
  - B) Non-Filer Letter, dated November 2, 2017, referencing the 2017 October Quarterly Report (sent via electronic mail to: byrneles@aol.com);
  - C) Reason-to-Believe Letter, dated November 30, 2017, referencing the 2017 October Quarterly Report (sent via overnight mail to the address of record).
4. I hereby certify that I have searched the Commission's public records and find that Byrne for Congress has not yet filed the 2017 October Quarterly Report with the Commission.
5. Pursuant to 28 U.S.C. 1746, I declare under penalty of perjury that the foregoing is true and correct and that all relevant telecoms for the matter have been provided. This declaration was executed at Washington, D.C. on the 11<sup>th</sup> day of January, 2018.

*Kristin Roser*

---

Kristin D. Roser  
Chief, Compliance Branch  
Reports Analysis Division  
Federal Election Commission



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

RQ-7

November 2, 2017

BRUCE NEILSON, TREASURER  
BYRNE FOR CONGRESS  
5102 RICHARDSON DRIVE  
FAIRFAX, VA 22032

IDENTIFICATION NUMBER: C00440909

REFERENCE: OCTOBER QUARTERLY REPORT (07/01/2017 - 09/30/2017)

Dear Treasurer:

It has come to the attention of the Federal Election Commission that you may have failed to file the above referenced report of receipts and disbursements or failed to file a report covering the entire reporting period as required by the Federal Election Campaign Act, as amended. 52 U.S.C. §30104(a)

It is important that you file this report immediately. The report must be filed with the Federal Election Commission, 999 E Street, N.W., Washington, DC 20463 for House candidates, or the Secretary of the Senate, 232 Hart Senate Office Building, Washington, DC 20510 (if sent via overnight delivery service) or Senate Office of Public Records, P.O. Box 77578, Washington, DC 20013-7578 (if sent via USPS) for Senate Candidates. Please note that electronic filers must submit their reports electronically, as per 11 CFR §104.18. A copy of the report must also be filed with the Secretary of State or equivalent State officer unless the State is exempt from the federal requirement to receive and maintain paper copies. You can verify the Commission's receipt of any documents submitted by your committee on the FEC website at [www.fec.gov](http://www.fec.gov).

The failure to timely file a complete report may result in civil money penalties, an audit or legal enforcement action. The civil money penalty calculation for late reports does not include a grace period and begins on the day following the due date for the report. Due to heightened security screening measures, delivery of mail by the US Postal Service may be delayed. The Commission recommends that you submit your report via overnight delivery or courier service.

## BYRNE FOR CONGRESS

Page 2 of 2

**If you have any questions regarding this matter, please contact Christopher Ritchie at our toll-free number (800)424-9530. The analyst's direct number is (202)694-1146.**

**Sincerely,**

Debbie Chacona

**Deborah Chacona**  
**Assistant Staff Director**  
**Reports Analysis Division**

250

### DECLARATION OF RHIANNON MAGRUDER

- 1) I am the Reviewing Officer in the Office of Administrative Review for the Federal Election Commission ("Commission"). In my capacity as Reviewing Officer, I conduct research with respect to all challenges submitted in accordance with the Administrative Fine program.
- 2) A principal campaign committee shall file a report for the quarter ending September 30 no later than October 15. Reports filed electronically must be received and validated at or before 11:59 pm, Eastern Standard/Daylight Time October 15, 2017 for the 2017 October Quarterly Report to be timely filed.
- 3) I hereby certify that I have searched the Commission's public records and that the documents identified herein are the true and accurate copies of:
  - a) Cover Page and Detailed Summary Pages of the 2017 October Quarterly Report filed by Byrne for Congress and Bruce Neilson, in his official capacity as Treasurer. The report includes the coverage period of July 1, 2017 through September 30, 2017 and was filed on January 30, 2018.
- 4) Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed at Washington, D.C. on the 7<sup>th</sup> day of March, 2018.

Rhiannon Magruder  
Rhiannon Magruder  
Reviewing Officer  
Office of Administrative Review  
Federal Election Commission

**FEC  
FORM 3****REPORT OF RECEIPTS  
AND DISBURSEMENTS**  
For An Authorized Committee

Office Use Only

1. NAME OF COMMITTEE (in full) TYPE OR PRINT ▼ Example: If typing, type over the lines. 12FE4M5

BYRNE FOR CONGRESS

ADDRESS (number and street)

5102 RICHARDSON DRIVE

Check if different  
than previously  
reported. (ACC)

FAIRFAX

VA

22032

CITY ▲

STATE ▲

ZIP CODE ▲

2. FEC IDENTIFICATION NUMBER ▼

C C00440909

3. IS THIS REPORT NEW OR AMENDED  
(N) (A)

STATE ▼ DISTRICT

VA

11

4. TYPE OF REPORT (Choose One)

(a) Quarterly Reports:

April 15 Quarterly Report (Q1)

July 15 Quarterly Report (Q2)

X October 15 Quarterly Report (Q3)

January 31 Year-End Report (YE)

Termination Report (TER)

(b) 12-Day PRE-Election Report for the:

Primary (12P)

General (12G)

Runoff (12R)

Convention (12C)

Special (12S)

M M / D D / Y Y Y Y

Election on

in the  
State of

(c) 30-Day POST-Election Report for the:

General (30G)

Runoff (30R)

Special (30S)

M M / D D / Y Y Y Y

Election on

in the  
State of

5. Covering Period

M M / D D / Y Y Y Y  
07 01 2017

through

M M / D D / Y Y Y Y  
09 30 2017

I certify that I have examined this Report and to the best of my knowledge and belief it is true, correct and complete.

Neilson, Bruce, H.,

Type or Print Name of Treasurer

Neilson, Bruce, H.,

Signature of Treasurer

[Electronically Filed]

Date

M M / D D / Y Y Y Y  
01 30 2018

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 52 U.S.C. §30109.

Office  
Use  
Only**FEC FORM 3**  
(Revised 05/2016)

# SUMMARY PAGE

## of Receipts and Disbursements

FEC Form 3 (Revised 05/2016)

PAGE 2 / 4

Write or Type Committee Name

BYRNE FOR CONGRESS

Report Covering the Period:

From:

M 07 / D 01 / Y 2017

To:

M 09 / D 30 / Y 2017

	COLUMN A This Period			COLUMN B Election Cycle-to-Date		
6. Net Contributions (other than loans)						
(a) Total Contributions (other than loans) (from Line 11(e)) ....	,	,	0.00	,	,	0.00
(b) Total Contribution Refunds (from Line 20(d)) .....	,	,	0.00	,	,	0.00
(c) Net Contributions (other than loans) (subtract Line 6(b) from Line 6(a)) .....	,	,	0.00	,	,	0.00
7. Net Operating Expenditures						
(a) Total Operating Expenditures (from Line 17) .....	,	,	0.00	,	,	0.00
(b) Total Offsets to Operating Expenditures (from Line 14) .....	,	,	0.00	,	,	0.00
(c) Net Operating Expenditures (subtract Line 7(b) from Line 7(a)) .....	,	,	0.00	,	,	0.00
8. Cash on Hand at Close of Reporting Period (from Line 27) .....	,	,	0.00			
9. Debts and Obligations Owed TO the Committee (Itemize all on Schedule C and/or Schedule D) .....	,	,	0.00			
10. Debts and Obligations Owed BY the Committee (Itemize all on Schedule C and/or Schedule D) .....	,	,	0.00			

For further information contact:

Federal Election Commission  
999 E Street, NW  
Washington, DC 20463

Toll Free 800-424-9530  
Local 202-694-1100

## DETAILED SUMMARY PAGE of Receipts

FEC Form 3 (Revised 05/2016)

**PAGE 3 / 4**

Write or Type Committee Name

# BYRNE FOR CONGRESS

Report Covering the Period: From: M M / D D / Y Y Y Y To: M M / D D / Y Y Y Y  
07 01 2017 09 30 2017

I. RECEIPTS	COLUMN A Total This Period	COLUMN B Election Cycle-to-Date
<b>11. CONTRIBUTIONS (other than loans) FROM:</b>		
(a) Individuals/Persons Other Than Political Committees		
(i) Itemized (use Schedule A) .....	0.00	0.00
(ii) Unitemized .....	0.00	0.00
(iii) TOTAL of contributions from individuals .....	0.00	0.00
(b) Political Party Committees.....	0.00	0.00
(c) Other Political Committees (such as PACs).....	0.00	0.00
(d) The Candidate .....	0.00	0.00
(e) TOTAL CONTRIBUTIONS (other than loans) (add Lines 11(a)(iii), (b), (c), and (d))..	0.00	0.00
<b>12. TRANSFERS FROM OTHER AUTHORIZED COMMITTEES .....</b>	0.00	0.00
<b>13. LOANS:</b>		
(a) Made or Guaranteed by the Candidate.....	0.00	0.00
(b) All Other Loans.....	0.00	0.00
(c) TOTAL LOANS (add Lines 13(a) and (b)).....	0.00	0.00
<b>14. OFFSETS TO OPERATING EXPENDITURES (Refunds, Rebates, etc.) .....</b>	0.00	0.00
<b>15. OTHER RECEIPTS (Dividends, Interest, etc.) .....</b>	0.00	0.00
<b>16. TOTAL RECEIPTS (add Lines 11(e), 12, 13(c), 14, and 15) (Carry Total to Line 24, page 4).....</b>	0.00	0.00



# **DETAILED SUMMARY PAGE** of Disbursements

FEC Form 3 (Revised 05/2016)

PAGE 4 / 4

II. DISBURSEMENTS	COLUMN A Total This Period	COLUMN B Election Cycle-to-Date
17. OPERATING EXPENDITURES.....	0.00	0.00
18. TRANSFERS TO OTHER AUTHORIZED COMMITTEES .....	0.00	0.00
19. LOAN REPAYMENTS:		
(a) Of Loans Made or Guaranteed by the Candidate.....	0.00	0.00
(b) Of All Other Loans .....	0.00	0.00
(c) TOTAL LOAN REPAYMENTS (add Lines 19(a) and (b)).....	0.00	0.00
20. REFUNDS OF CONTRIBUTIONS TO:		
(a) Individuals/Persons Other Than Political Committees .....	0.00	0.00
(b) Political Party Committees.....	0.00	0.00
(c) Other Political Committees (such as PACs).....	0.00	0.00
(d) TOTAL CONTRIBUTION REFUNDS (add Lines 20(a), (b), and (c)).....	0.00	0.00
21. OTHER DISBURSEMENTS .....	0.00	0.00
22. TOTAL DISBURSEMENTS (add Lines 17, 18, 19(c), 20(d), and 21) ►	0.00	0.00

## **III. CASH SUMMARY**

23. CASH ON HAND AT BEGINNING OF REPORTING PERIOD.....	0.00
24. TOTAL RECEIPTS THIS PERIOD (from Line 16, page 3).....	0.00
25. SUBTOTAL (add Line 23 and Line 24) .....	0.00
26. TOTAL DISBURSEMENTS THIS PERIOD (from Line 22).....	0.00
27. CASH ON HAND AT CLOSE OF REPORTING PERIOD (subtract Line 26 from Line 25).....	0.00



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

March 7, 2018

Bruce Neilson, in official capacity as Treasurer  
Byrne for Congress  
5102 Richardson Dr.  
Fairfax, VA 22032

C00440909  
AF#: 3350

Dear Mr. Neilson:

On November 30, 2017, the Commission found reason to believe ("RTB") that Byrne for Congress and you, in your official capacity as treasurer, violated 52 U.S.C. § 30104(a) for failing to timely file the 2017 October Quarterly Report and made a preliminary determination that the civil money penalty was \$4,862 based on the schedule of penalties at 11 C.F.R. § 111.43.

After reviewing your written response and any supplemental information submitted by you and Commission staff, the Reviewing Officer has recommended that the Commission make a final determination and assess no civil money penalty. A copy of the Reviewing Officer's recommendation is attached.

You may file with the Commission Secretary a written response to the recommendation within 10 days of the date of this letter. Your written response should be sent to the Commission Secretary, 999 E Street, NW, Washington, DC 20463 or via facsimile (202-208-3333). Please include the AF # in your response. Your response may not raise any arguments not raised in your original written response or not directly responsive to the Reviewing Officer's recommendation. 11 C.F.R. § 111.36(f). The Commission will then make a final determination in this matter.

Please contact me at the toll free number 800-424-9530 (press 0, then press 1660) or 202-694-1660 if you have any questions.

Sincerely,

*Rhiannon Magruder*  
Rhiannon Magruder  
Reviewing Officer  
Office of Administrative Review



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

2018 APR -4 AM 10:15

**SENSITIVE**

April 4, 2018

**MEMORANDUM**

To: The Commission

Through: Alec Palmer *AP*  
Staff Director

From: Patricia C. Orrock *PCO*  
Chief Compliance Officer

Rhiannon Magruder *RM*  
Reviewing Officer  
Office of Administrative Review

Subject: Final Determination Recommendation in AF# 3350 – Byrne for Congress and  
Bruce Neilson, in his official capacity as Treasurer (C00440909)

On November 30, 2017, the Commission found reason to believe ("RTB") that Byrne for Congress and Bruce Neilson, in his official capacity as Treasurer, violated 52 U.S.C. § 30104(a) for failing to timely file the 2017 October Quarterly Report. The Commission made a preliminary determination that the civil money penalty was \$4,862 based on the schedule of penalties at 11 C.F.R. § 111.43.

On January 9, 2018, the Commission received their written response ("challenge"). After reviewing the challenge, the Reviewing Officer Recommendation ("ROR") dated March 7, 2018 was forwarded to the Commission, a copy was forwarded to the respondents, and is hereby incorporated by reference. The Reviewing Officer recommended that the Commission make a final determination that the respondents violated 52 U.S.C. § 30104(a) and assess no civil money penalty.

Within 10 days of transmittal of the recommendation, the respondents may file a written response with the Commission Secretary which may not raise any arguments not raised in their challenge or not directly responsive to the ROR. 11 C.F.R. § 111.36(f). A response has not been received to date.

55-1081-2729-281

1. Adopt the Reviewing Officer recommendation for AF# 3350 involving Byrne for Congress and Bruce Neilson, in his official capacity as Treasurer, in making the final determination;
2. Make a final determination in AF# 3350 that Byrne for Congress and Bruce Neilson, in his official capacity as Treasurer, violated 52 U.S.C. § 30104(a) and assess no civil money penalty (reduced from the RTB civil money penalty of \$4,862); and
3. Send the appropriate letter

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 ) AF 3350  
Final Determination Recommendation - )  
Byrne for Congress and Bruce Neilson, )  
in his official capacity as Treasurer )  
(C00440909) )

CERTIFICATION

I, Dayna C. Brown, Secretary and Clerk of the Federal Election  
Commission, do hereby certify that on April 17, 2018, the Commission decided  
by a vote of 4-0 to take the following actions in AF 3350:

1. Adopt the Reviewing Officer recommendation for AF# 3350  
involving Byrne for Congress and Bruce Neilson, in his official  
capacity as Treasurer, in making the final determination.
2. Make a final determination in AF# 3350 that Byrne for Congress and  
Bruce Neilson, in his official capacity as Treasurer, violated 52  
U.S.C. § 30104(a) and assess no civil money penalty (reduced from  
the RTB civil money penalty of \$4,862).
3. Send the appropriate letter.

Commissioners Hunter, Petersen, Walther, and Weintraub voted  
affirmatively for the decision.

Attest:

April 17, 2018  
Date

Dayna C. Brown  
Dayna C. Brown  
Secretary and Clerk of the Commission



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

April 18, 2018

Bruce Neilson, in official capacity as Treasurer  
Byrne for Congress  
5102 Richardson Dr.  
Fairfax, VA 22032

C00440909  
AF#: 3350

Dear Mr. Neilson:

On November 30, 2017, the Commission found reason to believe ("RTB") that Byrne for Congress and you, in your official capacity as treasurer, violated 52 U.S.C. § 30104(a) for failing to timely file the 2017 October Quarterly Report and made a preliminary determination that the civil money penalty was \$4,862 based on the schedule of penalties at 11 C.F.R. § 111.43. By letter dated November 30, 2017, the Commission sent notification of the RTB finding that included a civil money penalty calculated at RTB of \$4,862 in accordance with the schedule of penalties at 11 C.F.R. § 111.43. On January 9, 2018, the Office of Administrative Review received your written response challenging the RTB finding.

The Reviewing Officer reviewed the Commission's RTB finding with its supporting documentation and your written response. Based on this review, the Reviewing Officer recommended that the Commission reduce the RTB civil money penalty because it was calculated using an estimated level of activity, make a final determination that Byrne for Congress and you, in your official capacity as treasurer, violated 52 U.S.C. § 30104(a) for failing to timely file the 2017 October Quarterly Report, and based on the actual level of activity disclosed on the 2017 October Quarterly Report filed January 30, 2018 (\$0), assess no civil money penalty in accordance with 11 C.F.R. § 111.43. The Reviewing Officer Recommendation was sent to you on March 7, 2018.

On April 17, 2018, the Commission adopted the Reviewing Officer's recommendation and made a final determination that Byrne for Congress and you, in your official capacity as treasurer, violated 52 U.S.C. § 30104(a) and based on the level of activity disclosed on the 2017 October Quarterly Report (\$0), assessed no civil money penalty (reduced from the RTB civil money penalty of \$4,862). It is based on the same factors used to calculate the civil money penalty at RTB except that the actual rather than the estimated level of activity was used. A copy of the Final Determination Recommendation is attached.

1-800-NW-Nation

1-800-NW-Nation

1-800-NW-Nation

1-800-NW-Nation

1-800-NW-Nation

1-800-NW-Nation

THIS IS THE END OF ADMINISTRATIVE FINE CASE # 3350

1-800-222-1100